

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
(FOR INTEL CORPORATION PATENT APPLICATIONS)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and sole inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**AN APPARATUS AND METHOD FOR UNILATERALLY LOADING A SECURE  
OPERATING SYSTEM WITHIN A MULTIPROCESSOR ENVIRONMENT**

the specification of which

is attached hereto.

was filed on November 1, 2001 as  
United States Application Number 10/043,843  
or PCT International Application Number \_\_\_\_\_  
and was amended on \_\_\_\_\_

(if applicable)

COPY OF PAPERS  
ORIGINALLY FILED

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s):**

APPLICATION NUMBER	COUNTRY (OR INDICATE IF PCT)	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> No <input type="checkbox"/> Yes
			<input type="checkbox"/> No <input type="checkbox"/> Yes
			<input type="checkbox"/> No <input type="checkbox"/> Yes

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS (ISSUED, PENDING, ABANDONED)

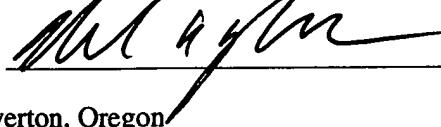
I hereby appoint BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: Ramin Aghevli, Reg. No. 43,462; William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; William Thomas Babbitt, Reg. No. 39,591; Jordan Michael Becker, Reg. No. 39,602; Bradley J. Bereznak, Reg. No. 33,474; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Thomas M. Coester, Reg. No. 39,637; Robert P. Cogan, Reg. No. 25,049; Donna Jo Coningsby, Reg. No. 41,684; Florin A. Corie, Reg. No. 46,244; James K. Dawson, Reg. No. 41,701; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Clerk, Reg. No. P46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Justin M. Dillon, Reg. No. 42,486; Sanjeet Dutta, Reg. No. 46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; Mark C. Farrell, Reg. No. 45,988; George Fountain, Reg. No. 36,374; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Samuel S. Lee, Reg. No. 42,791; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Julio Loza, Reg. No. 47,758; Joseph Lutz, Reg. No. 43,765; Lawrence Lycke, Reg. No. 38,540; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Raul D. Martinez, Reg. No. 46,904; Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Richard A. Nakashima, Reg. No. 42,023; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. P46,972; Daniel E. Ovanezian, Reg. No. 41,236; Gregg A. Peacock, Reg. No. 45,001; Marina Portnova, Reg. No. P45,750; Michael A. Proksch, Reg. No. 43,021; Randol W. Read, Reg. No. 43,876; William F. Ryann, Reg. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey S. Schubert, Reg. No. 43,098; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Ronald S. Tamura, Reg. No. 43,179; Edwin H. Taylor, Reg. No. 25,129; Lance A. Termes, Reg. No. 43,184; John F. Travis, Reg. No. 43,203; Kerry D. Tweet, Reg. No. 45,959; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. P46,322; Thomas C. Webster, Reg. No. P46,154; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; Jonathan Miller, Reg. No. 48,534; and Brent Vecchia, Reg. No. 48,011; my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and Alan K. Aldous, Reg. No. 31,905; Ed Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; Robert A. Burtzlaff, Reg. No. 35,466; Richard C. Calderwood, Reg. No. 35,468; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg. No. 39,973; Jeffrey B. Huter, Reg. No. 41,086; John Kacvinsky, Reg. No. 40,040; Seth Z. Kalson, Reg. No. 40,670; David J. Kaplan, Reg. No. 41,105; Peter Lam, Reg. No. 44,855; Anthony M. Martinez, Reg. No. 44,223; Charles A. Mirho, Reg. No. 41,199; Paul Nagy, Reg. No. 37,896; Leo V. Novakoski, Reg. No. 37,198; Thomas C. Reynolds, Reg. No. 32,488; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,299; Steven P. Skabrat, Reg. No. 36,279; Howard A. Skaist, Reg. No. 36,008; Robert G. Winkle, Reg. No. 37,474; Sharon Wong, Reg. No. 37,760; Steven D. Yates, Reg. No. 42,242; Calvin E. Wells, Reg. No. 43,256 and Charles K. Young, Reg. No. 39,435; my patent attorneys, and my patent agents, of INTEL CORPORATION, with offices located at 2200 Mission College Blvd., Santa Clara, CA 95052, telephone (408)765-8080; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence and direct telephone calls to Joseph Lutz, Reg. No. 43,765  
 (Name of Attorney or Agent)

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
 12400 Wilshire Boulevard, 7th Floor  
 Los Angeles, California 90025  
 Telephone (310) 207-3800.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole/First Inventor** (given name, family name) Michael A. Kozuch

Inventor's Signature  Date 4/4/2002

Residence Beaverton, Oregon (City, State) Citizenship USA (Country)

P. O. Address 13535 SW Chariot Street

Beaverton, Oregon 97008 USA

**Full Name of Second/Joint Inventor** (given name, family name) James A. Sutton II

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon (City, State) Citizenship USA (Country)

P. O. Address 20205 NW Paulina Drive

Portland, Oregon 97229 USA

**Full Name of Third/Joint Inventor** (given name, family name) David Grawrock

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Aloha, Oregon (City, State) Citizenship USA (Country)

P. O. Address 8285 SW 184th Avenue

Aloha, Oregon 97007 USA

**Full Name of Fourth/Joint Inventor** (given name, family name) Gilbert Neiger

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon (City, State) Citizenship USA (Country)

P. O. Address 2424 NE 11th Avenue

Portland, Oregon 97212-4127 USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole/First Inventor** (given name, family name) Michael A. Kozuch

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Beaverton, Oregon (City , State) Citizenship USA (Country)

P. O. Address 13535 SW Chariot Street

Beaverton, Oregon 97008 USA

**Full Name of Second/Joint Inventor** (given name, family name) James A. Sutton II

Inventor's Signature James A. Sutton II Date 3/18/2002

Residence Portland, Oregon (City , State) Citizenship USA (Country)

P. O. Address 20205 NW Paulina Drive

Portland, Oregon 97229 USA

**Full Name of Third/Joint Inventor** (given name, family name) David Grawrock

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Aloha, Oregon (City , State) Citizenship USA (Country)

P. O. Address 8285 SW 184th Avenue

Aloha, Oregon 97007 USA

**Full Name of Fourth/Joint Inventor** (given name, family name) Gilbert Neiger

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon (City , State) Citizenship USA (Country)

P. O. Address 2424 NE 11th Avenue

Portland, Oregon 97212-4127 USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor (given name, family name) Michael A. Kozuch

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Beaverton, Oregon (City, State) Citizenship USA (Country)

P. O. Address 13535 SW Chariot Street

Beaverton, Oregon 97008 USA

Full Name of Second/Joint Inventor (given name, family name) James A. Sutton II

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon (City, State) Citizenship USA (Country)

P. O. Address 20205 NW Paulina Drive

Portland, Oregon 97229 USA

Full Name of Third/Joint Inventor (given name, family name) David Grawrock

Inventor's Signature David Grawrock Date 18 MAR 2002

Residence Aloha, Oregon (City, State) Citizenship USA (Country)

P. O. Address 8285 SW 184th Avenue

Aloha, Oregon 97007 USA

Full Name of Fourth/Joint Inventor (given name, family name) Gilbert Neiger

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon (City, State) Citizenship USA (Country)

P. O. Address 2424 NE 11th Avenue

Portland, Oregon 97212-4127 USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full Name of Sole/First Inventor** (given name, family name) Michael A. Kozuch

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Beaverton, Oregon  
(City, State)

Citizenship USA  
(Country)

P. O. Address 13535 SW Chariot Street

Beaverton, Oregon 97008 USA

**Full Name of Second/Joint Inventor** (given name, family name) James A. Sutton II

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Portland, Oregon  
(City, State)

Citizenship USA  
(Country)

P. O. Address 20205 NW Paulina Drive

Portland, Oregon 97229 USA

**Full Name of Third/Joint Inventor** (given name, family name) David Grawrock

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

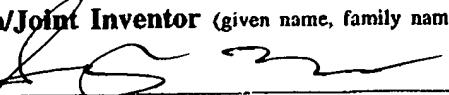
Residence Aloha, Oregon  
(City, State)

Citizenship USA  
(Country)

P. O. Address 8285 SW 184th Avenue

Aloha, Oregon 97007 USA

**Full Name of Fourth/Joint Inventor** (given name, family name) Gilbert Neiger

Inventor's Signature  Date 4/17/2002

Residence Portland, Oregon  
(City, State)

Citizenship USA  
(Country)

P. O. Address 2424 NE 11th Avenue

Portland, Oregon 97212-4127 USA

Full Name of Fifth/Joint Inventor (given name, family name) Richard A. Uhlig

Inventor's Signature Richard A. Uhlig Date 3/18/2002

Residence Hillsboro, Oregon Citizenship USA  
(City, State) (Country)

P. O. Address 1564 NE Orenco Station Parkway  
Hillsboro, Oregon 97124 USA

Full Name of Sixth/Joint Inventor (given name, family name) Bradley G. Burgess

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Austin, Texas Citizenship USA  
(City, State) (Country)

P. O. Address 21 Sunset Train  
Austin, Texas 78745 USA

Full Name of Seventh/Joint Inventor (given name, family name) David I. Poisner

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Folsom, California Citizenship USA  
(City, State) (Country)

P. O. Address 205 Penry Square  
Folsom, California 95630 USA

Full Name of Eighth/Joint Inventor (given name, family name) Clifford D. Hall

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Orangevale, California Citizenship USA  
(City, State) (Country)

P. O. Address 6940 Eastside Court  
Orangevale, California USA

Full Name of Ninth/Joint Inventor (given name, family name) Andy Glew

Inventor's Signature Andy Glew Date April 24, 2002

Residence 13131 NW Mountainview Rd. Citizenship Canada  
(City, State) (Country)

P. O. Address Portland, OR 97231

**Full Name of Fifth/Joint Inventor** (given name, family name) Richard A. Uhlig

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Hillsboro, Oregon Citizenship USA  
(City, State) (Country)

P. O. Address 1564 NE Orenco Station Parkway  
Hillsboro, Oregon 97124 USA

**Full Name of Sixth/Joint Inventor** (given name, family name) Bradley G. Burgess

Inventor's Signature B. Burgess Date 4/1/02

Residence Austin, Texas Citizenship USA  
(City, State) (Country)

P. O. Address 21 Sunset Train  
Austin, Texas 78745 USA

**Full Name of Seventh/Joint Inventor** (given name, family name) David I. Poisner

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Folsom, California Citizenship USA  
(City, State) (Country)

P. O. Address 205 Penry Square  
Folsom, California 95630 USA

**Full Name of Eighth/Joint Inventor** (given name, family name) Clifford D. Hall

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Orangevale, California Citizenship USA  
(City, State) (Country)

P. O. Address 6940 Eastside Court  
Orangevale, California USA

**Full Name of Ninth/Joint Inventor** (given name, family name) Andy Glew

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship Canada  
(City, State) (Country)

P. O. Address \_\_\_\_\_

Full Name of Fifth/Joint Inventor (given name, family name) Richard A. Whig

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Hillsboro, Oregon Citizenship USA  
(City, State) (Country)

P. O. Address 1564 NE Orenco Station Parkway

Hillsboro, Oregon 97124 USA

Full Name of Sixth/Joint Inventor (given name, family name) Bradley G. Burgess

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Austin, Texas Citizenship USA  
(City, State) (Country)

P. O. Address 21 Sunset Train

Austin, Texas 78745 USA

Full Name of Seventh/Joint Inventor (given name, family name) David L. Plesner

Inventor's Signature David Plesner Date 4/22/02

Residence Folsom, California Citizenship USA  
(City, State) (Country)

P. O. Address 205 Penny Square

Folsom, California 95630 USA

Full Name of Eighth/Joint Inventor (given name, family name) Clifford D. Hall

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Orangevale, California Citizenship USA  
(City, State) (Country)

P. O. Address 6940 Eastside Court

Orangevale, California USA

Full Name of Ninth/Joint Inventor (given name, family name) Andy Grew

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship Canada  
(City, State) (Country)

P. O. Address \_\_\_\_\_

**Full Name of Fifth/Joint Inventor** (given name, family name) Richard A. Uhlig

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Hillsboro, Oregon Citizenship USA  
(City, State) (Country)

P. O. Address 1564 NE Orenco Station Parkway  
Hillsboro, Oregon 97124 USA

**Full Name of Sixth/Joint Inventor** (given name, family name) Bradley G. Burgess

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Austin, Texas Citizenship USA  
(City, State) (Country)

P. O. Address 21 Sunset Train  
Austin, Texas 78745 USA

**Full Name of Seventh/Joint Inventor** (given name, family name) David I. Poisner

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Folsom, California Citizenship USA  
(City, State) (Country)

P. O. Address 205 Penry Square  
Folsom, California 95630 USA

**Full Name of Eighth/Joint Inventor** (given name, family name) Clifford D. Hall

Inventor's Signature Cliff D. Hall Date 3/26/2002

Residence Orangevale, California Citizenship USA  
(City, State) (Country)

P. O. Address 6940 Eastside Court  
Orangevale, California USA

**Full Name of Ninth/Joint Inventor** (given name, family name) Andy Glew

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship Canada  
(City, State) (Country)

P. O. Address \_\_\_\_\_  
\_\_\_\_\_

(u) Name of Tenth/Joint Inventor (given name, family name) Lawrence O. Smith

Inventor's Signature Lawrence O. Smith Date 4/23/2002

Residence Beaverton, Oregon Citizenship USA  
(City, State) (Country)

P.O. Address 14995 NW Northumbria  
Beaverton, Oregon 97006 USA

(u) Name of Eleventh/Joint Inventor (given name, family name) Robert George

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship USA  
(City, State) (Country)

P.O. Address \_\_\_\_\_

(u) Name of Twelfth/Joint Inventor (given name, family name) \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State) (Country)

P.O. Address \_\_\_\_\_

**Full Name of Tenth/Joint Inventor** (given name, family name) Lawrence O. Smith III

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Beaverton, Oregon (City, State) Citizenship USA (Country)

P. O. Address 14995 NW Northumbria

Beaverton, Oregon 97006 USA

**Full Name of Eleventh/Joint Inventor** (given name, family name) Robert George

Inventor's Signature Robert George Date March 27, 2002

Residence Austin, Texas (City, State) Citizenship USA (Country)

P. O. Address 10612 Chestnut Ridge

**Full Name of Twelfth/Joint Inventor** (given name, family name) \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State) (Country)

P. O. Address \_\_\_\_\_

Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.